

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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MATTHEW BOROWSKI

Plaintiff,

23-CV-257

v.

U.S. CUSTOMS AND BORDER PROTECTION

Defendant.

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**NOTICE OF RENEWED MOTION FOR PARTIAL SUMMARY JUDGMENT**

**PLEASE TAKE NOTICE**, that the defendant, United States Customs and Border Protection, by its attorney, Trini E. Ross, United States Attorney for the Western District of New York, Mary K. Roach and Scott Leeson Sroka, Assistant United States Attorneys, of counsel, will move, and does hereby move this Court at a date and time to be set by the Court an Order pursuant to Rule 56(b) of the Federal Rules of Civil Procedure granting partial summary judgment in favor of defendant United States Customs and Border Protection, dismissing the Second Cause of Action in the Amended Complaint.

The grounds for this motion are set forth in the Declaration of Michael J. Millich, the Supplemental Declaration of Patrick A. Howard, the *Vaughn* Index as to the Renewed Motion for Summary Judgment, the Memorandum of Law in Support of Motion for Partial Summary Judgment, Defendant's Statement of Material Facts as to Which There is No Genuine Issue To Be Tried, and the Appendix thereto.

**PLEASE TAKE NOTICE THAT** the motion will be heard at the United States Courthouse, 100 State Street, Rochester, New York 14614, at a date and time to be set by the Court.

**PLEASE TAKE FURTHER NOTICE THAT** defendant intends to serve and file reply papers and, therefore, any papers in opposition to this motion are due at least fourteen days prior to the motion pursuant to Local Rule 7.1(c).

**DATED:** Buffalo, New York, July 9, 2024.

TRINI E. ROSS  
United States Attorney

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